

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WISCONSIN, MILWAUKEE DIVISION

William D. Cerbe)	
9711 South Shepard)	
Oak Creek, WI 53154)	
)	
And)	
)	
Sandra L. Berken-Ottery)	
S70W19750 Thornapple)	
Muskego, WI 53150)	Case No.
)	
Plaintiffs,)	
)	
v.)	
Paccar Leasing Corporation)	
777 106 th Ave. NE)	
Bellevue, WA 98004)	
)	
And/or)	
)	
Cooper Leasing, Inc.)	
P.O. Box 58205)	
Raleigh, NC 27658)	
)	
And)	
)	
Taylor Ingram)	
122 Watt)	
Hot Springs, AK 71913)	
)	
And)	
)	
Old Republic Insurance Co.)	
133 Oakland Ave.)	
Greensburg, PA 15601)	
)	
Defendants.)	

COMPLAINT FOR DAMAGES AND REQUEST FOR TRIAL BY JURY

NOW COMES the Plaintiffs, William D. Cerbe and Sandra L. Berken-Ottery, by their attorney, Jeffrey P. Zarzynski of the Law Firm of Schiro & Zarzynski, and as for their Complaint against the Defendants, Taylor G. Ingram, Paccar Leasing Corporation, Cooper Leasing Inc. and their liability insurer, Old Republic Insurance Company, allege the following factual and legal assertions:

I. JURISDICTION AND VENUE

1. Plaintiffs each make claims for personal injuries valued in excess of Seventy Five Thousand Dollars (\$75,000.00), exclusive of interests and costs.
2. This Court has Diversity Jurisdiction in this matter as defined in 28 U.S.C. sec 1332(a)(1).
3. Venue of this matter is proper in the United States District Court for the Eastern District of Wisconsin, Milwaukee Division, pursuant to 28 U.S.C. sec 1391(a)(2) in that the Plaintiffs reside in the Eastern District of Wisconsin and the medical providers involved in the treatment of injuries to the Plaintiffs due to the subject accident are located in the Eastern District of Wisconsin.
4. Defendant Old Republic Insurance Company does substantial business in Eastern District of Wisconsin.
5. The subject motor vehicle accident occurred on December 26, 2007 on the Interstate bridge between Arkansas and Tennessee within feet of the state lines.

II. PARTIES

5. Plaintiff William D. Cerbe resides at 9711 South Shepard, Oak Creek, WI 53154.

6. Plaintiff Sandra L. Berken-Ottery resides at S70W19750 Thornapple, Muskego, WI 53150.
7. Defendant Paccar Leasing Corporation is a corporation with a principal place of business in the State of Washington.
8. Defendant Cooper Leasing, Inc. is a corporation with a principal place of business in the State of North Carolina.
9. Defendant Taylor Ingram is an individual whose last known address is the State of Arkansas.
10. Defendant Old Republic Insurance Company is an insurance corporation with principal offices in the State of Pennsylvania, but does substantial business in the State of Wisconsin, and whose Registered Agent for service of process in Wisconsin is Alan P. Pavlic, Old Republic Surety Company, 445 S. Moorland Road, Suite 301, Brookfield, WI 53005, and which corporation provided vehicle liability coverage to the Defendants in Policy No. MWTB 18498 at the time of the accident herein.

III. Plaintiff William D. Cerbe's Claim

11. On December 26, 2007, Plaintiff William D. Cerbe was driving a motor vehicle upon Interstate 55, traveling over a bridge from the State of Arkansas to the State of Tennessee, at which time he brought his vehicle to a complete stop due to traffic congestion ahead, when Defendant Taylor Ingram, who was driving a commercial Kenworth Tractor semi truck owned by Defendants Paccar Leasing and/or Cooper Leasing, and likely in the course of his employment, struck the rear of the Cerbe vehicle causing substantial property damage and personal injuries.

12. Defendant Taylor Ingram negligence's in failing to properly manage and control his vehicle was the direct and proximate cause of the accident and resultant injuries.

13. As a direct and proximate result of Defendant Taylor Ingram's negligence, Plaintiff William D. Cerbe has suffered bodily injuries, incurred medical expenses, experienced pain and suffering, incurred financial loss of income, and is substantially certain to incur all of these damages into the future.

14. Defendant Old Republic Insurance Company is joined as a Defendant in its capacity as the vehicle liability insurer for the Defendant operator and owners of the striking vehicle.

IV. Plaintiff Sandra L. Berken-Ottery's Claim

15. Plaintiffs reallege each and every paragraph written above within this Complaint.

16. Plaintiff Sandra L. Berken-Ottery was a passenger in the vehicle driven by Plaintiff William D. Cerbe at the time of the subject collision.

17. Defendant Taylor Ingram negligence in failing to properly manage and control his vehicle was the direct and proximate cause of the accident and resultant injuries.

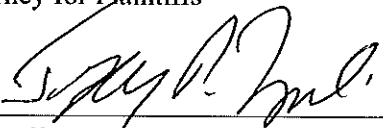
18. As a direct and proximate result of Defendant Taylor Ingram's negligence, Plaintiff Sandra L. Berken-Ottery has suffered bodily injuries, incurred medical expenses, experienced pain and suffering, incurred financial loss of income, and is substantially certain to incur all of these damages into the future.

19. Defendant Old Republic Insurance Company is joined as a Defendant in its capacity as the vehicle liability insurer for the Defendant operator and owners of the striking vehicle.

WHEREFORE, Plaintiffs William D. Cerbe and Sandra L. Berken-Ottery ask that the Court grant Judgment against all Defendants, jointly and severally, for damages in an amount to be determined by the evidence, plus appropriate costs and other relief deemed reasonable.

Dated at Milwaukee, Wisconsin this 23 day of December, 2010.

Respectfully submitted,
SCHIRO & ZARZYNSKI
Attorney for Plaintiffs

By: 
Jeffrey P. Zarzynski
State Bar No.: 1014707

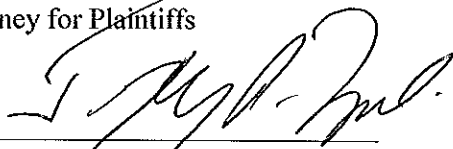
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REQUEST FOR TRIAL BY JURY

Plaintiffs William D. Cerbe and Sandra L. Berken-Ottery, through counsel Jeffrey P. Zarzynski and pursuant to Fed. R. Civ. Pro. 38, request that all issues herein be tried to a jury.

Respectfully submitted,
SCHIRO & ZARZYNSKI
Attorney for Plaintiffs

By: 
Jeffrey P. Zarzynski
State Bar No.: 1014707